

## **FISCAL NOTE**

### **SB 3801 - HB 3657**

February 14, 2008

**SUMMARY OF BILL:** Includes aggravated robbery in the list of offenses for which a defendant must serve 100 percent of the sentence imposed by the court, less sentence credits earned.

### **ESTIMATED FISCAL IMPACT:**

#### **Increase State Expenditures - \$73,652,400/Incarceration\***

##### Assumptions:

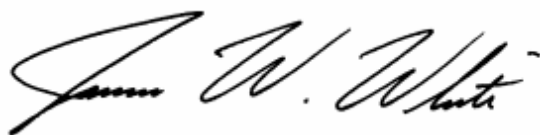
- Under current law, a person who commits aggravated robbery must serve a minimum of 85 percent (100 percent minus a maximum reduction of 15 percent for sentence reduction credits) only if the person has at least one prior conviction for aggravated robbery or especially aggravated robbery.
- According to the Department of Correction (DOC), there has been an average of 712 admissions per year for the past five years for aggravated robbery. Estimate assumes that eight percent (57) of those inmates would have had a prior conviction for aggravated robbery or especially aggravated robbery and would already be serving a minimum of 85 percent of their sentence. Under this bill, the remaining 92 percent (655) would have to serve a minimum of 85 percent of their sentence regardless of the number of convictions for aggravated robbery.
- Six hundred and fifty-five persons would be convicted of the Class B felony offense of aggravated robbery and would have to serve 100 percent of the sentence imposed by the court less earned sentence credits as a result of this bill. These offenders would serve an additional 4.4 years (an increase from 2.4 years to 6.8 years).
- According to the U.S. Census Bureau, population growth in Tennessee has been 1.09 percent per year for the past 10 years, yielding a projected compound population growth of 13.6 percent over the next 10 years. Population growth will result in 75 additional offenders serving additional time in the tenth year as a result of this bill. The maximum cost in the tenth year, as required by Tenn. Code Ann. § 9-4-210, is based on 730 offenders.

- According to DOC, the average operating cost per inmate per day for calendar year 2008 is \$62.78. The cost per inmate at 2.4 years is \$55,032.95 (\$62.78 x 876.60 days). The cost per inmate at 6.8 years is \$155,926.69 (\$62.78 x 2,483.70 days). The additional cost from increasing the average sentence length from 2.4 years to 6.8 years is \$100,893.74 (\$155,926.69 - \$55,032.95). The total additional operating cost for 730 offenders is \$73,652,430.20 (\$100,893.74 x 730).

*\*Tennessee Code Annotated, Section 9-4-210, requires that: For any law enacted after July 1, 1986, which results in a net increase in periods of imprisonment in state facilities, there shall be appropriated from recurring revenues the estimated operating cost of such law. The amount appropriated from recurring revenues shall be based upon the highest cost of the next 10 years.*

## **CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "James W. White". The signature is fluid and cursive, with the first name "James" written in a smaller, more compact script than the last name "White".

James W. White, Executive Director

/lsc